

**IN THE UNITED STATES DISTRICT COURT
FOR THE WESTERN DISTRICT OF PENNSYLVANIA**

ALVIN R. SIMMONS, JR.,

Plaintiff,

v.

ORLANDO HARPER, Warden; RICH
FISGERALD; and CORIZON
HEALTH CARE,

Defendants.

)
) Civil Action No. 2:15-cv-0875
)

) Chief United States District Judge
) Joy Flowers Conti
)

ORDER

AND NOW, this 25th day of September, 2015, it is hereby **ORDERED, ADJUDGED AND DECREED** that for the reasons set forth in the accompanying memorandum opinion plaintiff's Motion for Leave to Proceed *in forma pauperis* (ECF No. 1) is **DENIED** in accordance with 28 U.S.C. § 1915(g) and this action is dismissed without prejudice to plaintiff reopening it by paying the full statutory and administrative filing fees, totaling \$400.00.

It is further **ORDERED** that the report and recommendation (ECF No. 3) dated July 22, 2015, is **ADOPTED**, as the opinion of the Court.

It is further **ORDERED** that the Clerk of Court mark this case **CLOSED**.

AND IT IS FURTHER ORDERED that pursuant to Rule 4(a)(1) of the Federal Rules of Appellate Procedure, plaintiff has thirty (30) days to file a notice of appeal as provided by Rule 3 of the Federal Rules of Appellate Procedure.

BY THE COURT:

/s/ Joy Flowers Conti
Joy Flowers Conti
Chief, United States District Judge

cc: ALVIN R. SIMMONS, JR.
Allegheny County Jail
DOC Number 896
950 Second Avenue
Pittsburgh, PA 15219
(via U.S. Postal Mail)